

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2010 MAR 31 PM 3:33

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TIMOTHY WALLACE, PRO SE, §
also known as §
TIMOTHY RANDOLPH WALLACE, §
TDCJ-CID No. 894160, §
Previous TDCJ-CID No. 328415, §
Previous TDCJ-CID No. 537868, §
Previous TDCJ-CID No. 739841, §
Dallas County Jail no. 98003682, §
§
Plaintiff, §
§
v. § 2:09-CV-0289
§
BRAD LIVINGSTON ET AL., §
§
Defendants. §

ORDER OF DISMISSAL

Plaintiff's Civil Rights Claims in this cause were severed and were received by the Clerk on December 7, 2009, by transfer from the United States District Court for the Northern District of Texas, Abilene Division, to the United States District Court for the Northern District of Texas, Amarillo Division.

Plaintiff TIMOTHY WALLACE, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against defendants employed by or otherwise associated with the Texas Department of Criminal Justice and was granted temporary permission to proceed *in forma pauperis* pending the cure of identified defects.

On February 1, 2010, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause without prejudice for failure to

prosecute, for failure to comply with an order of the court, and for failure to comply with Rule 8, Federal Rules of Civil Procedure.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff TIMOTHY WALLACE is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE, FOR FAILURE TO COMPLY WITH AN ORDER OF THE COURT, AND FOR FAILURE TO COMPLY WITH RULE 8, FEDERAL RULES OF CIVIL PROCEDURE.

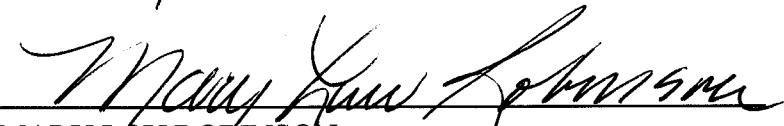
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

It is SO ORDERED.

Signed this the 31st day of March, 2010.


MARY LOU ROBINSON
United States District Judge